

**CITY OF EL PASO**  
**BUILDING & STANDARDS COMMISSION BOARD PANEL "A"**  
**July 31, 2013**  
**5:30 P.M.**

**MINUTES**

The Building & Standards Commission Panel "A" held a public hearing at the El Paso City Council Chambers, Wednesday, July 31, 2013 at 5:30 p.m. with the following members present:

**Board Members Present:**

Robert Filarski  
Andrew Haggerty  
Gerardo Licon  
Linda Vick  
Paul Gilcrease

**Others Present:**

Elda Rodriguez-Hefner, Code Compliance Manager  
Wendi Vineyard, Assistant City Attorney  
Tom Maguire, Chief Building Inspector  
Rudy Huerta, Chief Building Inspector  
Kevin Harrell, Building Inspector  
Rafael Balli-Berlange, Building Inspector  
Nellie Avalos, Building Inspector  
Diana Cedillo, Senior Office Assistant

**AGENDA**

Call to Order

- I. The Building & Standards Commission meeting, Panel "A" was called to order by Chairman Filarski at 5:40 p.m.

Chairman Filarski swore in all witnesses present to give testimony on the cases heard.

- II. Approval of May 29, 2013 minutes

**Motion made by Andrew Haggerty, seconded by Paul Gilcrease, to approve the May 29, 2013 minutes, unanimously passed.**

**Regular Items:**

- III. Public hearing to determine if the property located at 5101, 5109, 5117, 5125 and 5133 Trowbridge in the City of El Paso, is in compliance with the order of June 26, 2013, and if not, to determine penalties. The owners of this property are identified as Efen Gonzalez and Maria Luisa Gonzalez % Escrow Inc. and they have been notified of this hearing.

The owner has been notified of the violations at this property, to date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

1. That the structures be secured within thirty (30) days and maintained secure thereafter; and
2. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
3. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.
4. That said Owners shall become personally liable for all costs incurred by City in connection with securing the buildings and maintaining the buildings secured; and cleaning the

premises of all weeds, trash, and debris, shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien.

Rudy Huerta Jr., Chief Building Inspector, read the item to record and presented the case.

David Ellis, attorney for the owners, states that the premises have been vacated. Property has been secured and fenced. He states that there will be a new owner to the property in the next three (3) days. The new owners have gone through the process of obtaining building permits, designing property, estimates for property repairs. Closing is scheduled for Friday or Monday. Mr. Ellis states that there is no opposing the cleaning of the property. The open duct work is where someone may have stolen the air conditioning unit.

Robert Filarski inquires if the new owners are aware of the new order. Mr. Ellis states that the new owners are aware of the condition of the property and that it is stated in the contract.

Ms. Vineyard states that the City will also grant the new owners time to comply with the City order.

Mr. Filarski states that the asbestos survey is required by the state in order to proceed with renovation.

Elda Rodriguez-Hefner inquires if there are any representatives of the new buyers present, in which there is not.

Mr. Ellis states that he will forward a copy of the present order as well as inform the new buyer verbally.

**Motion made by Andrew Haggerty seconded by Paul Gilcrease, to accept staff recommendations, unanimously carried.**

- IV. Public hearing to determine if the property located at 2717 San Diego, in the City of El Paso, is in compliance with the order of June 26, 2013, and if not, to determine penalties. The owner of this property has been identified as, Mike Herrera, and he has been notified of this hearing.

Rudy Huerta, Jr., Chief Building Inspector, read the item into the record.

Kevin Harrell, Building Inspector presented the case.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken and therefore the Division recommends that it be found:

1. That the structures be demolished within thirty (30) days; and
2. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
3. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

David Smith from the Fire Department presented himself on behalf of property if any questions arose.

Andrew Haggerty inquired if there was still an ongoing investigation on property and if there would be any issues with the ordering of the demolition; Mr. Smith confirmed that there was still an open case but there would not be any issues if the property was to be demolished.

Mike Herrera, owner, states that his property has been secured and cleaned a great deal; still working on the front area of the home. Mr. Herrera states the he was unable to get an engineer's report. The Historical District would like for the home to be rebuilt. Mr. Herrera states that he would need one month to return to board with a report on the integrity of the building.

Mr. Filarski asked staff if when the home collapsed, if any of the walls developed cracks.

Inspector Harrell states that there are significant structural cracks in exterior walls. The property is not secured; the back fence has been repaired, but not chained up. It is a temporary fence. There is a junked vehicle and trash and debris remain on the property.

Rudy Huerta states to the Commission board that Mr. Herrera sufficient time to comply, if department is to recommend property for demolition, this would allow Mr. Herrera an additional thirty days, allowing him the opportunity to provide an engineer's report before demolition can occur.

Mr. Filarski agrees to the staff recommendations so that Mr. Herrera will have the additional thirty days to provide the engineer's report and will return to Panel B in the month of August.

Mr. Herrera confirms that he was unable to go onto the property until the Fire Department completed the investigation, pressing him for time. He will be able to obtain an engineer's report for the next meeting and will be able to move the vehicle in the back.

Providencia Velasquez, Historical Preservation officer, spoke on behalf of the property. Ms. Velasquez states that she visited the property, stating that the home can indeed be salvaged. Ms. Velasquez is requesting that the Commission work with Mr. Herrera in granting him an extension to allow for Mr. Herrera to work with the Historical Preservation to salvage the home.

Andrew Haggerty questions how long of an extension would be necessary.

Mr. Huerta responds that within the thirty days, Mr. Herrera should be able to obtain necessary permits as well as engineer's report.

Ms. Rodriguez states that the property is accessible to anyone, the issue being that there is an open and uncovered basement.

Mr. Filarski states that the property needs to be fenced off in the front and the back, properly.

**Motion made by Linda Vick, seconded by Andrew Haggerty to accept staff recommendations, and unanimously carried.**

- V. Public hearing to determine if the property located at 3900 La Luz, in the City of El Paso, are dangerous structures and determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested party has been identified as Socorro Castaneda, and she has been notified of this hearing.

Rudy Huerta, Jr., Chief Building Inspector, read the item into the record and presented the case.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

1. That the structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structure's certificate of occupancy be revoked; and
4. That the structures can be rehabilitated; and
5. That the structure be secured within thirty (30) days maintained secure thereafter; and
6. That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and

7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

**Motion made by Andrew Haggerty, seconded by Paul Gilcrease, to accept staff recommendations, unanimously passed.**

- VI. Public hearing to determine if the property located at 3215 E. Missouri, in the City of El Paso, is a dangerous structure and to determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as Irma & Johnny Harrelson and they have been notified of this hearing.

Rudy Huerta, Jr., Building Inspector, read the item into the record.

Rafael Balli, Building Inspector, presented the case.

The owners have been notified of the property maintenance violations at this property. To date there has been no corrective action taken and therefore the Division recommends that it be found:

1. That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structures' certificate of occupancy be revoked; and
4. That the structure cannot be rehabilitated; and
5. That the structure be demolished within thirty (30) days; and
6. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

**Motion made by Gerardo Licon, seconded by Andrew Haggerty, to accept staff recommendations, unanimously passed.**

- VII. Adjournment

**Motion made to adjourn the meeting by Andrew Haggerty, seconded by Paul Gilcrease was unanimously carried. The meeting adjourned at 6:40 p.m.**

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Robert Filarski, Chairman, Panel "A"

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Rudy Huerta, Jr., Chief Building Inspector  
Code Compliance Division